

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	09-00360-01/02-CR-W-GAF
SHANNON RUDDER)	
and)	
SARAH MCMILLIAN,)	
)	
Defendants.)	

ORDER CONTINUING CURRENT TRIAL SETTING

Before the court is a motion to continue filed by defendant Sarah McMillian. In support of the motion, defendant states in part as follows:

2. Applicant has only recently received the discovery and needs additional time to prepare for the trial in this matter.

3. The Assistant United States Attorney assigned to this case, John E. Cowles, has indicated he has no objection to this cause being continued.

Counsel for co-defendant Shannon Rudder has no objection to the continuance request. The parties have requested a continuance to the August 2010 trial docket.

The Speedy Trial Act of 1974, as amended, mandates the commencement of the trial of a defendant within 70 days from the defendant's first appearance before a judicial officer of the court in which the charge is pending. In computing the 70-day time period, the periods of delay set forth in 18 U.S.C. § 3161(h) are to be excluded. Any period of delay resulting from a continuance granted at the request of a defendant is excludable if the court

finds the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial, provided the court sets forth the reason for such finding.

In light of the circumstances described above, I find that the ends of justice served by removing this criminal action from the joint criminal jury trial docket which will commence April 26, 2010, and continuing the trial until the joint criminal jury trial docket which will commence August 16, 2010, outweigh the best interest of the public and the defendants in a speedy trial.

In accordance with § 3161(h)(7)(C), congestion of the court's calendar was not considered in deciding to remove this case from the joint criminal jury trial docket which will commence April 26, 2010.

In light of the circumstances described above, it is

ORDERED that this criminal action is removed from the joint criminal jury trial docket which will commence April 26, 2010. It is further

ORDERED that this criminal action is set for trial on the joint criminal jury trial docket which will commence August 16, 2010. It is further

ORDERED that the pretrial conference set for April 14, 2010, is continued pending further order of the court. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7), the time between the date of this order and August 16, 2010, shall be

excluded in computing the time within which the trial of this criminal action must commence.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
March 30, 2010